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Washington State Senate

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March 3, 2004

Honorable Gary Locke
Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Locke

Please consider directing the Department of Health and requesting the Board of Health to comprehensively address health risks from contaminated drinking water in Washington's public and private schools. I became aware of the potential extent of this problem through the hard work of a number of parents in my legislative district who reviewed tests of drinking water fountains and spigots in several dozen Seattle schools. These tests revealed a significant number of fountains with levels of lead and other heavy metals that significantly exceeded state and federal drinking water standards. Amazingly, these tests had been conducted over a decade ago and the Seattle School District had never taken action to correct these exceedances. Only through the persistent efforts of parents and staff is the district now taking action to correct the problems in a few schools, but in the meantime over a decade of elementary school age children have passed through these schools drinking unsafe water.

As we began researching this subject in December and working with state Department of Health staff, we learned that the state's drinking water regulatory program only applies directly to a school facility when it is regulated as "public water system." Only about five percent of the public schools in the state fall into this category. For the approximately two thousand other public schools, the state's safe drinking water program does not apply to the school, but only to the public water supplier who delivers raw water to the school. Thus the state program and its safe water standards do not address conditions within the school facility itself, predominantly piping and fountain fixtures, that may be the cause of the contamination of the water. It seems likely that the findings in Seattle schools of the large numbers of fountains delivering contaminated water may be reflected in schools throughout the state, and, indeed, this problem has been identified in school buildings throughout the country.

The Board of Health has adopted regulations to address a broad range of health risks in schools, public and private, in WA Admin. Code chapter 246-366. But these rules merely incorporate the state's drinking water standards, which, as discussed above, apply only to about five percent of the state's public schools (and it seems likely that the proportion of private schools covered is equally small). The board, with the assistance of the Department of Health, has indicated that it will undertake a comprehensive review and revision of these rules later this Spring. This review

by the board presents a very significant opportunity for the state's standards to more fully address the condition of drinking water supplies in the schools.

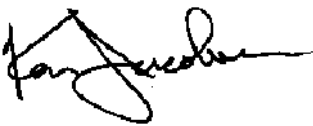
To ensure that there is a baseline level of testing of drinking water fountains and planning to respond where contamination is found, I introduced legislation this session that would provide overall guidance by the state. This legislation did not move forward, primarily due to fiscal concerns by the schools. However, the board's very extensive public health protection authorities in its organic laws provide adequate existing authority to provide standards for ensuring that school drinking water is safe for the students and staff.

Therefore please consider providing guidance to the board and to the department in its overhaul of school health and safety standards to incorporate a strong set of standards relating to this subject. Some of the elements of Substitute Senate Bill 6271 might be considered by the board in this regard, including:

- (1) adopting maximum contaminant level standards for the presence in school drinking water of lead, copper, cadmium and corrosion;
- (2) adopting testing protocols to guide schools in designing an effective yet cost conscious program for testing its water supplies;
- (3) establishing requirements for making the test results readily accessible to students, their parents, and school staff;
- (4) standards for planning and implementing action to respond to contaminant level exceedances identified through the testing;
- (5) extending assistance by the state department of health and local health jurisdictions to school governing bodies in carrying out this testing and corrective actions.

I hope you will agree that the state has an important role and an important responsibility to work with our public and private school communities to address this important public health concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Jacobsen", with a stylized, flowing script.

Ken Jacobsen
State Senator

cc: Linda Lake, Chair, Washington Board of Health
Mary Selecky, Secretary, Washington Department of Health